



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.

Commissioner

Paula Wilson

Executive Deputy Commissioner

July 26, 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jeffrey J. Armon, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
Empire State Plaza
Corning Tower - Room 2429
Albany, New York 12237

Azhar Saifuddin Saeed, M.D.
114 West Walnut Street
Oglesby, Illinois 61348

RE: In the Matter of Azhar Saifuddin Saeed, M.D.

Dear Mr. Armon and Dr. Saeed:

Enclosed please find the Determination and Order (No. BPMC-93-106) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

New York State Department of Health
Office of Professional Medical Conduct
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law, §230, subdivision 10, paragraph (p), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the administrative review board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

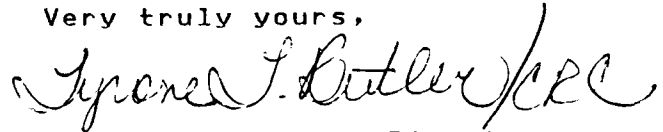
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Corning Tower -Room 2503
Empire State Plaza
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the
Administrative Review Board's Determination and Order.

Very truly yours,

A handwritten signature in cursive script that reads "Tyrone T. Butler". The signature is written in dark ink and is positioned above the typed name.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:crc
Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER :

OF :

AZHAR SAIFUDDIN SAEED, M.D. :

HEARING COMMITTEE'S
DETERMINATION

AND
ORDER

NO. BPNC-93-106
-----X

A Notice of Hearing and Statement of Charges, both dated February 12, 1993, were served upon the Respondent Azhar Saifuddin Saeed, M.D. ALBERT L. BARTOLETTI, M.D., Chairperson, OLIVE M. JACOB and DAVID T. LYON, M.D. duly designated members of the State Board of Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. Benjamin J. Migliore, Administrative Law Judge, served as the Hearing Officer. A hearing was held on March 31, 1993 at the Corning Tower Building, 25th Floor Conference Room, Room 2509, Empire State Plaza, Albany, New York. The Department of Health appeared by Jeffrey J. Armon, Assistant Counsel. The Respondent did not appear in person and was not represented by counsel. Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

The proceeding was brought pursuant to Public Health Law, Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of New York Education Law, Section 6530(9). In such cases, a licensee is

charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct if committed in New York. The scope of the expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon a licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to New York Education Law, Section 6530(2), (3), (5), (9)(d), (17) and/or (20). (McKinney Supp. 1992.) A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. The citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Azhar Saifuddin Saeed, M.D. was authorized to practice medicine in New York State on January 22, 1973 by the issuance of license number 115648 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in this State. (Pet. Ex. #1)

2. On March 16, 1990, Respondent entered into a

Stipulation and Consent Order with the Illinois Medical Disciplinary Board, wherein disciplinary action was imposed upon the Respondent. (Pet. Ex. #8)

3. The conduct underlying the Stipulation and Consent Order consisted of the Respondent promoting the sale of drugs for his financial gain, fraudulent conduct, gross negligence in his medical practice, immoral conduct in his medical practice and behavior which demonstrated incompetence to practice medicine. In addition, Respondent failed to provide effective controls against the diversion of controlled substances, including the violation of specified dispensing requirements. (Pet. Ex. #8).

4. Respondent's license to practice medicine and surgery was indefinitely suspended a minimum of three years and his controlled substance license was indefinitely suspended a minimum of five years. Respondent is also required to seek permission of the Illinois Medical Disciplinary Board for restoration of his license by demonstrating that he is sufficiently rehabilitated and that he is fit to have his license restored by passing a competency examination. (Pet. Ex. #8)

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee.

The Hearing Committee unanimously concluded that the Department had met its burden of proof. The preponderance of the

evidence clearly demonstrated that Respondent's conduct underlying the consent order resulting in the indefinite suspension of his license constituted misconduct as defined in N.Y. Education Law Section 6530(9)(d). The Hearing Committee, therefore, sustained the specifications of misconduct contained in the Statement of Charges.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law, set forth above, unanimously determined that Respondent's medical license should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension, and/or probation, censure and reprimand and the imposition of monetary penalties.

A physician's license to practice medicine is a privilege granted to members of the profession. The Respondent by entering into a Stipulation and Consent Order which indefinitely suspended his physician, surgeon and controlled substance licenses in the State of Illinois constitutes grave professional misconduct in this State. By entering into this Order, the Respondent has admitted that he is unable to conform to the acceptable standards of the medical profession.

Respondent made no attempt to respond to the charges of the N.Y. State Board of Professional Medical Conduct nor to defend himself at the hearing. He did not personally appear nor was he

represented by counsel.

By entering the Consent Order, Respondent voluntarily admitted that he lacks the capacity to practice medicine in an ethical, competent and moral manner. Accordingly, the Hearing Committee concluded that revocation is the appropriate sanction.

ORDER

Based upon the foregoing, it is hereby Ordered that:

1. The specification of professional misconduct contained in the Statement of Charges (Pet. Ex. #1) is **SUSTAINED**; and
2. Respondent's license to practice medicine in the State of New York is **REVOKED**.

DATED: Delmar, New York

May 28, 1993

Albert L. Bartoletti M.D.
ALBERT L. BARTOLETTI, M.D.
Chairperson

Olive M. Jacob
David T. Lyon, M.D.

TO: Jeffrey Armon, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
Corning Tower - Room 2438
Empire State Plaza
Albany, New York 12237

Azhar Saifuddin Saeed, M.D.
114 West Walnut Street
Oglesby, Illinois 61348

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

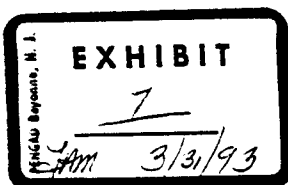
-----X
: IN THE MATTER : NOTICE OF
: OF : REFERRAL
: AZHAR SAIFUDDIN SAEED, M.D. : PROCEEDING
: -----X

TO: AZHAR SAIFUDDIN SAEED, M.D.
114 West Walnut Street
Oglesby, Illinois 61348

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1993) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1993). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 31st day of March, 1993 at 11:00 o'clock in the forenoon of that day at Corning Tower, 25th floor conference room, Empire State Plaza, Albany, New York.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.



You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: NANCY MASSARONI, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before March 15, 1993 .

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before March 15, 1993 and a copy of all papers must be served on the same date on the Department of

Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE

URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN
THIS MATTER.

DATED: Albany, New York
February 12, 1993

Peter D. Van Buren

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Jeffrey J. Armon
Assistant Counsel
(518) 473-4282

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER : STATEMENT
OF : OF
AZHAR SAIFUDDIN SAEED, M.D. : CHARGES
-----X

AZHAR SAIFUDDIN SAEED, M.D., the Respondent, was authorized to practice medicine in New York State on January 22, 1973, by the issuance of license number 115648 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His last known address is 114 West Walnut Street, Oglesby, Illinois 61348.

FACTUAL ALLEGATIONS

A. Respondent entered into a Stipulation and Consent Order, effective March 16, 1990, with the Illinois Medical Disciplinary Board, a duly authorized professional disciplinary agency which took disciplinary action and indefinitely suspended Respondent's physician and surgeon and controlled substance licenses in the State of Illinois.

1. The Illinois Department of Professional Regulation filed a complaint on August 23, 1988 alleging that Respondent

violated the Illinois Medical Practice Act of 1987 (Ill. Ann. Stat. Ch.111, 1992), Section 22.4, 22.5, 22.17, 22.18, 22.20 and 22.26 in that Respondent engaged in conduct constituting the use or prescription for use of narcotics or controlled substances in a way other than therapeutic purposes; the promotion of the sale of drugs for a patient in such a manner as to exploit the patient for the financial gain of the physician; dishonorable, unethical and unprofessional conduct of a character likely to deceive, defraud or harm the public; gross negligence in practice; immoral conduct related to the licensee's practice; and behavior which demonstrates incapacity or incompetence to practice. Said Complaint further alleged that Respondent had violated the Illinois Controlled Substances Act (Illinois Revised Statutes, 1985; Chapter 56 1/2), Paragraphs 1304(a)(6); 1314 and 1401 in that Respondent failed to provide effective controls against the diversion of controlled substances in other than legitimate medical, scientific or industrial channels; violated specified dispensing requirements and engaged in the unauthorized delivery of controlled substances.

2. By entering into said Stipulation and Order, Respondent waived his right to a formal evidentiary hearing. The physician and surgeon license of the Respondent was indefinitely Suspended a minimum of three years and the controlled substance license of the Respondent was indefinitely Suspended a minimum of five years. In addition, the Respondent was required, in any

petition for restoration of his licenses, to personally appear before the Illinois Medical Disciplinary Board and demonstrate that he has been sufficiently rehabilitated to warrant the public trust and that he has become fit to have his license restored. The Respondent was further directed to pass a competency examination prior to petitioning for restoration of his medical license.

3. Respondent's conduct would have constituted professional misconduct in New York State pursuant to §6530(2)(3)(5)(17)and/or (20), (McKinney Supp. 1992), i.e practicing the profession fraudulently ; practicing the profession with negligence on more than one occasion; practicing the profession with incompetence on more than one occasion; exercising undue influence on the patient, including the promotion of the sale of services, goods, appliances, or drugs in such manner as to exploit the patient for the financial gain of the licensee or of a third party and/or conduct in the practice of medicine which evidences moral unfitness to practice medicine.

SPECIFICATION OF CHARGES


HAVING DISCIPLINARY ACTION TAKEN

BY ANOTHER STATE

Respondent is charged with professional misconduct in violation of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1992) [formerly N.Y. Educ. Law §6509(5)(d)] in that Respondent's license to practice medicine was subject to disciplinary action and was suspended by a duly authorized professional disciplinary agency of another state, where the conduct resulting in such disciplinary action in that other state would, if committed in New York State, constitute professional misconduct, in that Petitioner charges:

1. The facts in Paragraphs A and A.1, A.2, and/or A.3.

DATED: Albany, New York
February 12, 1993



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct